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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,346	04/11/2006	Gergely Matefi	P18831-US1	7908
27045	7590	07/10/2008	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			PHAM, LUU T	
			ART UNIT	PAPER NUMBER
			2137	
			MAIL DATE	DELIVERY MODE
			07/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,346	Applicant(s) MATEFI ET AL.	
	Examiner LUU PHAM	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/09/2006 and 04/11/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the application 10/595,346 filed on 04/11/2006.
2. As per the Preliminary Amendment filed on 04/11/2006, claims 1-7 were canceled; Claims 8-14 have been added. Claims 8 and 11 are independent claims. Claims 1-14 are pending in this application

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 8-14 are rejected under 35 U.S.C. 102(b)** as being anticipated by Monteiro et al., (hereinafter “Monteiro”), U.S. Patent No. 6,434,622, issued on August 13, 2002.

- **Regarding claim 8**, Monteiro teaches a method for monitoring the use of different multicast services (*col. 3, lines 39-62*), said multicast services provided by at least one content server as one multicast group for each service (*col. 3, lines 18-37*) in a multicast capable access network to which users of the multicast services are connected through network devices (*col. 3, lines 39-63; Figs. 1 and 3-4*), wherein the network devices comprise several ports and all users are connected to different ports (*col. 3, lines 18-62*), comprising the steps of:

periodically retrieving directly from each network device (*col. 3, lines 39-42*;

Control Servers 50 are responsible for keeping track of which Users are listening to which

channels; col. 3, lines 50-63; Administration Server is responsible for registering new Users, and maintaining audit logs for how many Users are listening to which channels and at which times), by a monitoring device that is not integrated in the multicast system (col. 3, lines 1-48; Control Server are responsible for keeping track of which Users are listening to which channels, whereas Media Servers forward information stream to Users), information identifying which multicast groups are being forwarded through which ports in the network devices (col. 3, lines 39-42; Control Servers 50 are responsible for keeping track of which Users are listening to which channels; col. 3, lines 50-63; Administration Server is responsible for registering new Users, and maintaining audit logs for how many Users are listening to which channels and at which times);

storing the information retrieved (col. 3, lines 50-63; Administration Server is responsible for registering new Users, and maintaining audit logs for how many Users are listening to which channels and at which times); and,

evaluating the information to achieve a measure of the use of the different multicast services (col. 4, lines 1-4; the control architecture represents a second scalable system integrated with the distribution architecture for managing and administering the delivery of that information).

- **Regarding claim 9**, Monteiro teaches the method according to claim 8, wherein the access network is an Ethernet access network (*col. 4, lines 48-55; col. 5, lines 44-47; col. 6, lines 18-23; the Media Servers can translate the incoming packets into broadcast or multicast packet for transmission on the local network; Only a single packet is transmitted*

at-a-time on the local network and any computer directly connected to the local network can receive that packet).

- **Regarding claim 10**, Monteiro teaches the method according to claim 8, wherein said step of periodically retrieving comprises using different paths than the multicast services use in the network for the retrieving of said information from the network devices (*col. 3, lines 1-48; Control Server are responsible for keeping track of which Users are listening to which channels, whereas Media Servers forward information stream to Users*).

- **Regarding claim 11**, Monteiro teaches a monitoring device connected to a multicast capable access network for monitoring the use of different multicast services (*col. 3, lines 39-62*) which are provided by at least one content server as one multicast group for each service (*col. 3, lines 18-37*) in the access network to which users of the multicast services are connected through network devices (*col. 3, lines 39-63; Figs. 1 and 3-4*), wherein the network devices comprise several ports and all users are connected to different ports, and wherein it is not integrated as a part in the multicast system (*col. 3, lines 18-62*), comprising:

retrieving means adapted to periodically retrieve, directly from the network devices, information about which multicast groups are being forwarded through which ports in the network devices (*col. 3, lines 39-42; Control Servers 50 are responsible for keeping track of which Users are listening to which channels; col. 3, lines 50-63*;

Administration Server is responsible for registering new Users, and maintaining audit logs for how many Users are listening to which channels and at which times); and,

storing means connected to the retrieving means and adapted to store the information (*col. 3, lines 50-63; Administration Server is responsible for registering new Users, and maintaining audit logs for how many Users are listening to which channels and at which times*).

- **Regarding claim 12**, Monteiro teaches the monitoring device according to claim 11, further comprising an evaluating means connected to said storing means, said evaluating means adapted to evaluate said information to achieve a measure of the use of the different multicast services (*col. 4, lines 1-4; the control architecture represents a second scalable system integrated with the distribution architecture for managing and administering the delivery of that information*).

- **Regarding claim 13**, Monteiro teaches the monitoring device according to claim 11, further comprising a timer connected to the retrieving means, said timer adapted to periodically indicate to the retrieving means that it is time to retrieve the information from the network devices (*col. 3, lines 39-42; Control Servers 50 are responsible for keeping track of which Users are listening to which channels; col. 3, lines 50-63; Administration Server is responsible for registering new Users, and maintaining audit logs for how many Users are listening to which channels and at which times*).

- **Regarding claim 14**, Monteiro teaches the monitoring device according to claim 11, wherein it is adapted to be connected to an Ethernet access network (*col. 4, lines 48-55;*

col. 5, lines 44-47; col. 6, lines 18-23; the Media Servers can translate the incoming packets into broadcast or multicast packet for transmission on the local network; Only a single packet is transmitted at-a-time on the local network and any computer directly connected to the local network can receive that packet).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Publication No. US 2002/0188746 by Drosset et al.

U.S. Patent No. US 5,886,643 to Diebboll et al.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luu Pham whose telephone number is 571-270-5002. The examiner can normally be reached on Monday through Friday, 7:30 AM - 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-

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217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-9199 (IN USA

OR CANADA) or 571-272-1000.

/Luu Pham/

Examiner, Art Unit 2137

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2137